

### REMARKS

Claims 28, 32, 41, 43, and 53-79 are pending, with claims 28, 32, 41, 43, 53, 55, 57, and 68 being in independent form. By this amendment, claims 28, 32, 41, 43, 53, 57 and 68 are amended without adding new matter.

Applicants acknowledge with appreciation the indication that claim 32 is allowable (paragraph 14 of the Office Action), and the indication that claims 66, 67, 78 and 79 contain allowable subject matter (paragraph 15 of the Office Action). However, the Examiner has failed to indicate the patentability status with respect to Applicants' claims 55 and 56. Since there has been no rejection of these claims, it is Applicants' understanding that the Examiner considers claims 55 and 56 to be allowable as well.

In paragraph 5, page 2 of the Office Action, claims 32, 41, 43 and 57-79 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 32, 41, 43 and 57 and 68 are amended to overcome the rejection. Withdrawal of the rejection is respectfully requested.

In paragraph 6, page 2 of the Office Action, claim 28 is rejected under 35 U.S.C. §112, second paragraph, as being incomplete. The Examiner asserts that "the cited functions in claim 28 cannot be performed without being executed by a computer or the like." As set forth below, claim 28 is amended to obviate the rejection.

During the personal interview of June 23, 2005, SPE Kincaid and Examiner Muhebbullah discussed claim 28 with the undersigned. In response to the above issue raised with respect to claim 28 by the Examiners, Applicants have amended claim 28 to recite "A computer-readable medium having at least one data structure

for use during execution of a program by a computer." Withdrawal of the rejection of claim 28 is respectfully requested.

In paragraph 8, page 3 of the Office Action, claims 28, 53, 54, 57, 58 and 61-64 stand rejected as being anticipated by U.S. Patent No. 6,049,328 (Vanderheiden). In paragraph 10, page 6 of the Office Action, claims 41 and 43 stand rejected as being anticipated by U.S. Patent No. 5,374,924 (McKiel, Jr.). In paragraph 12, page 7 of the Office Action, claims 59, 60, 65 and 68-77 stand rejected as being unpatentable over the Vanderheiden patent in view of the McKiel, Jr. patent. These rejections are respectfully traversed.

Applicants have disclosed a method for providing sound effects in which, among other disclosed features, an output characteristic of a sound effect can be varied using a data structure which includes variables associated with at least one of gain, delay and pitch of an identified sound effect (e.g., page 8, and specifically at lines 18-28). The disclosed use of data structure allows, for example, a re-use of the same recorded sound effect for different state transitions by varying one or more of these output parameters (page 8, lines 24-26). Small adjustments in a recorded sound effect can be made without actually re-recording the effect (page 8, lines 26-28).

#### The Vanderheiden patent

Claim 28 recites, among other features, at least one data structure including a variable associated with the produced sound effect; claim 53 recites, among other features, varying an output characteristic of said sound effect using a data structure which includes a variable associated with the output characteristic; and claims 57 and 68 recite, among other features, sound segments using at least one data

structure which includes a variable associated with at least one of the sound segments. The Vanderheiden patent does not teach or suggest at least these claimed features.

The Vanderheiden patent discloses that a second audio ridge signal 78 may be generated, preferably having different characteristics than the audio ridge signal 76 so as to allow the user to discern the entry from the exits of a button (col. 7, line 65 through col. 8, line 2). However, the Vanderheiden patent does not teach or suggest a data structure including a variable associated with the produced sound effect. Rather, the Vanderheiden patent merely discloses that the audio ridge signal 76 may be a slightly higher pitched tone (col. 8, lines 2-9). Accordingly, the Vanderheiden patent does not teach or suggest a data structure including a variable associated with the produced sound effect, as recited in claim 28; varying an output characteristic of a sound effect using a data structure, as recited in claim 53; and sound segments using at least one data structure which includes a variable associated with at least one of the sound segments, as recited in claim 57.

The McKiel, Jr. patent does not cure the deficiencies of the Vanderheiden patent. The McKiel, Jr. patent was applied for a shifting audio sound effect (col. 2, lines 30-36; col. 3, lines 62-68), but the McKiel, Jr. patent does not teach or suggest a data structure including a variable associated with the produced sound effect.

Thus, independent claims 28, 53, 57 and 68 are allowable. Claim 54 depends from independent claim 53; claims 58-65 depend from claim 57; and claims 69-77 depend from claim 68 and recite further advantageous features which further distinguish over the document relied upon by the Examiner.

The McKiel, Jr. Patent

Claims 41 and 43 recite, among other features, a processor for controlling the speaker to produce said sound effect in response to movement of the object from the first display position using a data structure which includes a variable associated with the sound effect. The McKiel, Jr. patent does not teach or suggest at least these claimed features.

The McKiel, Jr. patent discloses a computer user interface with stereo and filtered sound effects in which "as the pointer approaches the left boundary of the client area, the sounds representing the client area come more and more exclusively from the left audio channel" (col. 2, lines 30-35); and "relative left/right amplitudes or balance of the left and right channels as a function of the horizontal or left/right position of the pointer" (col. 3, lines 62-65). However, the McKiel, Jr. patent does not teach or suggest controlling a speaker to produce a sound effect using a data structure which includes a variable associated with the sound effect.

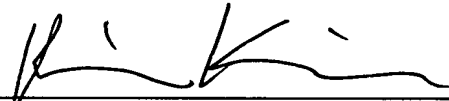
Thus, independent claims 41 and 43 are allowable.

For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if, in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

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